

## REMARKS

Reconsideration of the application is requested.

Claims 8-18 are now in the application. Claims 8-18 are subject to examination. Claim 12 has been amended. Claims 15-18 have been added.

Under the heading "Allowable Subject Matter" on page 4 of the above-identified Office Action, the Examiner objected to claims 12 and 13 as being dependent upon a rejected base claim, however, the Examiner indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants appreciate the indication of allowability and claim 12 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Support for added claims 17 and 18 can be found by referring to claims 9 and 10.

Under the heading "Claim Rejections – 35 USC § 102" on page 3 of the above-identified Office Action, claims 8-10 and 14 have been rejected as being fully anticipated by U.S. Patent No. 6,476,516 to Reich under 35 U.S.C. § 102.

Applicants respectfully traverse.

Applicants note that claim 8 specifies:

defining the estimated value as being reliable or unreliable depending on an oscillation behavior of the measurement signal of the at least one force sensor.

Claim 14 has a similar means limitation.

In contrast to claims 8 and 14, Reich does not teach defining the weight signal 28 as being reliable or unreliable depending on an oscillation behavior of the weight signal 28 of the sensor assembly 26. Reich teaches using threshold values to assign the weight signal 28 to an initial weight class and teaches monitoring the weight signal 28 to determine whether the weight signal 28 should be assigned to another weight class. The weight signal 28 is not defined as being reliable or unreliable. Rather, the proper weight class that should be assigned to the weight signal 28 is determined.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claim 11 has been rejected as being obvious over U.S. U.S. Patent No. 6,476,516 to Reich in view of Japanese Patent Publication JP404005538 to Gan under 35 U.S.C. § 103. Applicants respectfully traverse.

Support for added claim 15 can be found by referring to claim 11. Support for added claim 16 can be found by referring to claim 12.

The following argumentation applies to claims 11 and 15.

MPEP 2141 Section II sets forth the Graham Factual Inquiries that are used to determine obviousness under 35 U.S.C. 103. This section is copied below:

## II. BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention;  
and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

Applicants respectfully assert that the Examiner has not complied with items B and C listed above.

When the teachings in the cited references are considered as a whole they do not suggest the desirability and thus the obviousness of making

any combination that would result in the invention as defined by claim 11 and added claim 15. Therefore, applicants must conclude that the Examiner viewed the references with the benefit of impermissible hindsight vision afforded by the claimed invention. Let us now consider the teachings of the references in detail.

Reich teaches a method for determining the occupant weight class by comparing the estimated weight of the occupant with a series of weight class thresholds (Please see column 3, lines 28-34 and lines 40-43). The estimated weight is represented by the occupant weight signal 28 from the sensor assembly (Please see column 3, lines 19-27). If the estimated weight lies outside of the threshold values, the weight class is moved up or down one weight class depending on which threshold was passed (Please see column 3, lines 50-64). When a predetermined number of consistent and consecutive samples is observed, the weight class is locked until a specific number of consecutive weight samples above or below the threshold values of the weight class is observed (Please see column 4, lines 39-44). Importantly, Reich teaches that this locking procedure helps to filter out class changes caused by a change in the position of the occupant, adverse road conditions, and sudden vehicle maneuvers (Please see column 3, lines 35-40 and column 4, lines 49-53).

It should be clear that the whole purpose of the threshold method in Reich is to filter out fast class changes caused by fast changes in the measurement signal.

In other words, these fast changes should not be taken into account in determining the weight class.

The Examiner has stated that the reason for modifying Reich to include a Walsh transform of the measurement signal (occupant weight signal 28) is to speedily and accurately detect state changes. Applicants respectfully assert that this could not be a valid reason for combining the teachings.

With regard to speedily detecting state changes, Reich specifically teaches that these fast state changes are filtered out and are not taken into account.

Therefore there would be no purpose served by performing a Walsh transform of the measurement signal (occupant weight signal 28). In fact performing a Walsh transform to speedily detect state changes would appear to be contrary to the teaching in Reich that these state changes should be filtered out.

Let us now consider the teaching in Gan. Gan teaches analyzing the time history of a signal by performing a Walsh transform. The measurement signal of Reich, however, is simply compared to threshold values. When one considers the method taught by Reich, there is no purpose in analyzing the time history of a measurement signal that is simply compared to threshold values. There is simply no teaching in Gan that would motivate one of ordinary skill in the art to perform a Walsh transform with the method of Reich.

In summary, applicant respectfully believes that there is no purpose in modifying the method taught in Reich as alleged by the Examiner, applicant respectfully believes that such a modification would be contrary to the teaching of Reich, and applicant respectfully believes that there is simply no suggestion in the prior art for making such a modification.

Additionally, claim 11 specifies: subjecting the measurement signal of the force sensor to a Walsh transformation and determining the estimated value to be reliable or unreliable depending on a measure for a sequential content of a Walsh-transformed measurement signal. Claim 15 has a similar means limitation.

Even if one modified the method taught in Reich by performing a Walsh transform of the measurement signal (occupant weight signal 28), the underlined portion of the method step of claim 11 listed above would not have been obtained. Applicant repeats that Reich does not determine whether the weight signal is reliable or not reliable, but rather just makes a weight class assignment. Additionally, the weight class assignment Reich is dependent upon the threshold values of the weight classes, and there is no guidance in Gan as to how to use the sequence information of the Walsh transform with the weight classification method of Reich.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 8, 12

or 14. Claims 8, 12, and 14 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on one of these independent claims.

In view of the foregoing, reconsideration and allowance of claims 8-18 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-1099.

Respectfully submitted,

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